

REMARKS

Applicants thank the Examiner for the thorough examination of the application. A copy of an executed Declaration is attached to this paper. No new matter is believed to be added to the application by this amendment.

Status Of The Claims

Claims 1-30 are pending in the present application. Claims 26-30 find support at, e.g., page 8, line 7 of the originally filed specification.

Rejections Based On Kuba

Claims 1-11 and 13-25 are rejected under 35 U.S.C. §102(b) as being anticipated by Kuba (U.S. Patent 5,806,072). Claims 1-11 and 13-25 are rejected under 35 U.S.C. §103(a) as being obvious over Kuba in view of D-Store (D-Store IBM Microdrives). Claim 12 is rejected under 35 U.S.C. §103(a) as being obvious over Kuba (alone and in view of D-Store) and further in view of ECMA (ECMA-167). Applicants traverse.

The present invention pertains to a file managing system for a rewritable disk (independent claims 1, 4, 8, 13 and 15) such as a DVD (claims 26-30). In previous responses, the failures of Kuba (which pertains to memory cards) to

disclose or suggest a file management system for a rewritable disk (including DVDs) have been thoroughly discussed.

In paragraph 4 at page 2 of the Office Action, the Examiner asserts that the Applicants rely on features that are not recited in the claims ("rewritable disk need be a DVD"). However, rewritable disks are recited in independent claims 1, 4, 8, 13 and 15, and that the rewritable disks are DVDs are recited in claims 26-30.

In paragraph 5 at page 3 of the Office Action, the Examiner points to the www.pc.com web site definition discussed at page 6 of the Amendment filed December 21, 2005, and then asserts that this reference has no weight as having not been placed before the Examiner in an Information Disclosure Statement. However, the www.pc.com web site definition was not used as a prior art reference, but rather as an illustration of the conventional art knowledge that a memory card is a removable module that contains RAM chips. Even if this web site is considered to be prior art, it is cumulative to what is known in the art.

In paragraph 5 at page 3 of the Office Action, the Examiner further points to Kuba at column 22, lines 55-62, which includes that statement: "While the above description concerned with the IC memory card camera, it is more effective to use optomagnetic disks or like large capacity storage media in

lieu of the IC memory card **14.**” However, this statement fails to disclose or suggest a rewritable disk (claims 1, 4, 8, 13 and 15 of the present invention), much less a DVD (claims 26-30 of the present invention).

In paragraph 7 at page 3 of the Office Action, the Examiner states that the Declaration accompanying the Amendment filed December 21, 2005 is insufficient to overcome the rejection of claim 12 over Kuba in light of the Applicants’ disclosure because the Declaration has not been signed. Attached, please find a copy of the signed Declaration. Also, it is noted that the Examiner is no longer utilizing the Applicants’ disclosure to allege obviousness.

In paragraph 9 at pages 4-9 of the Office Action, the Examiner sets forth an anticipation rejection of various claims of Kuba in language that parallels the similar rejection set forth in paragraph 4 at pages 4-9 of the Office Action of June 21, 2005. However, as discussed above and in previous Amendments, Kuba fails to disclose or suggest a rewritable disk or a DVD.

In paragraph 10 at pages 10-17 of the Office Action, the Examiner combines Kuba with D-Store. D-Store pertains to microdrives that can be incorporated into handheld electronic devices such as notebook PCs and digital cameras. However, D-Store fails to disclose or suggest a rewritable disk such as a DVD.

In paragraph 11 at page 18 of the Office Action, the Examiner adds ECMA to Kuba and D-Store to reject claim 12. However, ECMA fails to address the deficiencies of Kuba and D-Store in suggesting a claimed embodiment of the present invention.

As a result, Kuba clearly fails to anticipate the present invention. The combination of Kuba with D-Store (and also ECMA) would fail to motivate one of ordinary skill in the art to produce an embodiment of the invention using a rewritable disk such as a DVD. A *prima facie* case of obviousness has thus not been made.

These rejections are overcome and withdrawal thereof is respectfully requested.

Prior Art Cited But Not Used By The Examiner

The prior art cited but not used by the Examiner show the status of the conventional art that the invention supersedes. No additional remarks are accordingly necessary.

Foreign Priority

The Examiner has acknowledged foreign priority in the Office Action mailed August 27, 2003.

The Drawings

The Examiner is respectfully requested to indicate whether the current drawing figures are acceptable in the next official action.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully request the Examiner to reconsider and withdraw all of the rejections of record, and earnestly solicit an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Registration No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Application No. 09/779,556
Amendment dated May 24, 2006
Reply to Office Action of February 24, 2006

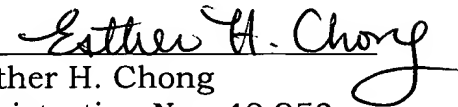
Docket No.: 2950-0185P

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: May 24, 2006



Respectfully submitted,

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Enclosure: Executed Declaration